

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CAROL V. MAY, Plaintiff

vs.

ERIC K. SHINSEKI, Defendant

:  
:  
: CIVIL ACTION  
:  
:  
: NO. 09-CV-02395  
:

**ORDER**

AND NOW, this 14<sup>th</sup> day of January, 2010, it is ORDERED that, pursuant to Federal Rule of Civil Procedure 12(h)(3), because this Court lacks subject matter jurisdiction, this case is DISMISSED without prejudice to refile in the United States Court of Appeals for the Federal Circuit. The Clerk of Court is directed to close this case for statistical purposes.

BY THE COURT:

/s/ Thomas M. Golden  
THOMAS M. GOLDEN, J.